

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CRAIG GOULET,)	CASE NO. 04-12577 WGY
)	
Plaintiff,)	JUDGE WILLIAM G. YOUNG
)	
vs.)	
)	
NEW PENN MOTOR EXPRESS, INC., et)	<u>PROPOSED JURY</u>
al.,)	<u>INTERROGATORIES OF</u>
)	<u>DEFENDANT NEW PENN MOTOR</u>
Defendants.)	<u>EXPRESS, INC.</u>
)	

Defendant New Penn Motor Express, Inc. (“Defendant” or “New Penn”) respectfully submits the following Proposed Jury Interrogatories and General Verdict Forms for the Court’s consideration. New Penn reserves the right to supplement these Interrogatories in accordance with issues that may arise in connection with the Court’s rulings on pretrial motions and matters which may arise during the course of trial.

Respectfully submitted,

/s/ Carl H. Gluek
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*Attorneys for Defendant New Penn Motor Express,
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of New Penn's Proposed Jury Interrogatories and General Verdict Forms were served upon Scott A. Lathrop, Esq. of Scott A. Lathrop & Associates, Attorney for Plaintiff, 122 Old Ayer Road, Groton, MA 01450 and Kathleen Pennini, Esq. of Dwyer, Duddy, Facklam, Attorney for Teamsters Local 25, One Center Plaza, Suite 360, Boston, MA 02108, via electronic filing on this 20th day of June, 2006.

/s/ Carl H. Gluek
Attorney for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CRAIG GOULET,

Plaintiff,

VS.

**NEW PENN MOTOR EXPRESS, INC., et
al.,**

Defendants.

CASE NO. 04-12577 WGY

JUDGE WILLIAM G. YOUNG

JURY INTERROGATORY NO. 1

Did Mr. Goulet prove by a preponderance of the evidence that New Penn breached the collective bargaining agreement with the Teamsters National Freight Industry Negotiating Committee (TNFINC) by failing to place Mr. Goulet on the call list for the Billerica terminal subsequent to A.P.A.'s closure?

ANSWER Yes_____ No_____

(To be signed by each Juror who agrees with the above response.)

- If you answered “NO” to Interrogatory No. 1, sign the “Defendants’ General Verdict Form” and notify the Court that you have reached a verdict.
- If you answered “Yes” to Interrogatory No. 1, proceed to Interrogatory No. 2.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CRAIG GOULET,

Plaintiff,

VS.

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al.,**

Defendants.

CASE NO. 04-12577 WGY

JUDGE WILLIAM G. YOUNG

JURY INTERROGATORY NO. 2

Did Mr. Goulet prove by a preponderance of the evidence that Local 25 breached its duty of fair representation toward Mr. Goulet? Local 25 breached its duty of fair representation only if Local 25 failed to act honestly, in good faith or acted arbitrarily.

ANSWER	Yes	No
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(To be signed by each Juror who agrees with the above response.)

[illegible]

- If you answered “NO” to Interrogatory no. 2, sign the “Defendants’ General Verdict Form” and notify the Court that you have reached a verdict.
- If you answered “Yes” to Interrogatory No. 2, proceed to Interrogatory No. 3.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CRAIG GOULET,

Plaintiff,

VS.

**NEW PENN MOTOR EXPRESS, INC., et
al.,**

Defendants.

CASE NO. 04-12577 WGY

JUDGE WILLIAM G. YOUNG

JURY INTERROGATORY NO. 3

Did Mr. Goulet prove by a preponderance of the evidence that Local 25's conduct toward him was arbitrary or in bad faith? Local 25's conduct was arbitrary only if, in light of the factual and legal landscape at the time of its actions, Local 25's behavior was so far outside a wide range of reasonableness as to be irrational. Local 25's conduct was in bad faith only if Mr. Goulet has provided substantial evidence of fraud, deceitful action, dishonest conduct, or evidence that Local 25 was motivated by personal animus toward Mr. Goulet.

ANSWER Yes_____ No_____

(To be signed by each Juror who agrees with the above response.)

- If you answered “NO” to Interrogatory no. 3, sign the “Defendants’ General Verdict Form” and notify the Court that you have reached a verdict.
- If you answered “Yes” to Interrogatory No. 3, proceed to Interrogatory No. 4.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CRAIG GOULET,

Plaintiff,

VS.

**NEW PENN MOTOR EXPRESS, INC., et
al.,**

Defendants.

CASE NO. 04-12577 WGY

JUDGE WILLIAM G. YOUNG

JURY INTERROGATORY NO. 4

Do you find that Mr. Goulet has failed to mitigate his damages since March 1, 2002?

ANSWER Yes_____ No_____

- If you answered “NO” to Interrogatory No. 4, proceed to Interrogatory No. 5.
- If you answered “Yes” to Interrogatory No. 4, sign the “Defendants’ General Verdict Form” and notify the Court that you have reached a verdict.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CRAIG GOULET,)	CASE NO. 04-12577 WGY
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Plaintiff,)	JUDGE WILLIAM G. YOUNG
)	
vs.)	
)	
NEW PENN MOTOR EXPRESS, INC., et)	
al.,)	<u>JURY INTERROGATORY NO. 5</u>
)	
Defendants.		

What amount of damages, if any, has Mr. Goulet proven by a preponderance of the evidence that he suffered as a result of New Penn's breach of the collective bargaining agreement? Write the amount in words and figures (e.g., Ten Dollars (\$10.00)).

_____ \$ _____

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Proceed to Interrogatory No. 6 and sign the General Verdict Form in favor of Plaintiff Craig Goulet.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CRAIG GOULET,

Plaintiff,

VS.

**NEW PENN MOTOR EXPRESS, INC., et
al.,**

Defendants.

CASE NO. 04-12577 WGY

JUDGE WILLIAM G. YOUNG

JURY INTERROGATORY NO. 6

What amount of damages, if any, has Mr. Goulet proven by a preponderance of the evidence that he suffered as a result of Local 25's breach of the duty of fair representation and/or arbitrary or bad faith conduct? Write the amount in words and figures (e.g., Ten Dollars (\$10.00)).

_____ \$ _____

[illegible]

Proceed to and sign the General Verdict for Plaintiff Craig Goulet.

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)	
Plaintiff,)	JUDGE WILLIAM G. YOUNG
)	
vs.)	
)	
NEW PENN MOTOR EXPRESS, INC., et)	
al.,)	<u>GENERAL VERDICT FOR</u>
)	<u>PLAINTIFF CRAIG GOULET</u>
Defendants.		

We, the jury, having been duly impaneled and sworn, do find the issues joined in favor of the Plaintiff and against Defendant New Penn Motor Express, Inc., and award the Plaintiff damages against New Penn in the sum of * _____ \$ _____ and against Teamsters Local 25 in the sum of * _____ \$ _____.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

*Write the amount in words and figures (e.g., Ten Dollars (\$10.00)).

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)	
Plaintiff,)	JUDGE WILLIAM G. YOUNG
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vs.)	
)	
NEW PENN MOTOR EXPRESS, INC., et)	
al.,)	<u>GENERAL VERDICT FOR</u>
)	<u>DEFENDANTS</u>
Defendants.		

We, the jury, having been duly impaneled and sworn, do find the issues joined in favor of the Defendants and against the Plaintiff.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

CERTIFICATE OF SERVICE

I hereby certify that a copy of New Penn's Proposed Jury Instructions and General Verdict Forms were served upon Scott A. Lathrop, Esq. of Scott A. Lathrop & Associates, Attorney for Plaintiff, 122 Old Ayer Road, Groton, MA 01450 and Kathleen Pennini, Esq. of Dwyer, Duddy, Facklam, Attorney for Teamsters Local 25, One Center Plaza, Suite 360, Boston, MA 02108, via electronic filing, this 20th day of June, 2006.

/s/ Carl H. Gluek
Attorney for Defendants